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EXAMINER	
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte HENRICUS JOHANNES MARIA MEIJER,
WOLFRAM SCHULTE, and OLUDARE V. OBASANJO

Appeal 2009-002736
Application 10/809,171
Technology Center 2100

Before JOSEPH L. DIXON, JAY P. LUCAS, and STEPHEN C. SIU,
Administrative Patent Judges.

SIU, *Administrative Patent Judge.*

DECISION ON APPEAL[1]

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[1] The two-month time period for filing an appeal or commencing a civil action, as recited in 37 C.F.R. § 1.304, or for filing a request for rehearing, as recited in 37 C.F.R. § 41.52, begins to run from the "MAIL DATE" (paper delivery mode) or the "NOTIFICATION DATE" (electronic delivery mode) shown on the PTOL-90A cover letter attached to this decision.

STATEMENT OF THE CASE

This is an appeal under 35 U.S.C. § 134(a) from the Examiner's final rejection of claims 1-28, 30, and 31. Claim 29 is canceled.[2] We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

Invention

The invention relates to systems and methods that map constructs from one domain to another domain (Spec. 1, ll. 6-7).

Claim 13 is illustrative:

> 13. A method that transforms constructs between domains, comprising:
>
> receiving a construct;
>
> obtaining a mapping associated with the construct; and
>
> employing the mapping to transform the construct of a first domain to a second construct of another domain.

(App. Br. 12, Claims Appendix).

References

The Examiner relies on the following references as evidence in support of the rejection:

Meltzer	US 6,125,391	Sep. 26, 2000
Dorsett	US 6,658,429 B2	Dec. 2, 2003
Russell	US 2004/0039964 A1	Feb. 26, 2004
Charlet	US 2005/0160108 A1	Jul. 21, 2005 (filed Jan. 16, 2004)

[2] Claim 29 canceled in After Final Amendment filed April 20, 2007. After Final Amendment entered by Examiner in Advisory Action dated May 3, 2007.

Rejections

Claims 1-6, 12-16, 18, 19, 26, 30, and 31 are rejected under 35 U.S.C. 102(e) as being anticipated by Charlet.

Claims 7, 8, 10, and 20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Charlet and Dorsett.

Claims 9, 17, 24, 25, 27, and 28 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Charlet and Meltzer.

Claims 11 and 21-23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Charlet and Russell.

ISSUE

Appellants argue that "Charlet *et al.* does not disclose a system of transforming a construct from one domain or space to a construct in another domain or space . . . ." (App. Br. 7).

Issue: Did the Examiner err in finding that Charlet teaches mapping a first construct of a domain to a second construct of another domain?

FINDING OF FACT

The following Finding of Fact (FF) is shown by a preponderance of the evidence:

> Charlet discloses a "system 400 for passing data between a valid XML document 202 and a hierarchical database 204" (¶ [0061]) including a "mapping module 206 [that] uses an XML schema 302 and database schema 304" (¶ [0062]) where the mapping module "maps data between the XML document 202 and the hierarchical database 204" (¶ [0052]).

PRINCIPLES OF LAW

Anticipation

In rejecting claims under 35 U.S.C. § 102, "[a] single prior art reference that discloses, either expressly or inherently, each limitation of a claim invalidates that claim by anticipation." *Perricone v. Medicis Pharm. Corp.*, 432 F.3d 1368, 1375 (Fed. Cir. 2005) (citation omitted).

Obviousness

The question of obviousness is resolved on the basis of underlying factual determinations including (1) the scope and content of the prior art, (2) any differences between the claimed subject matter and the prior art, and (3) the level of skill in the art. *Graham v. John Deere Co. of Kansas City*, 383 U.S. 1, 17-18 (1966).

ANALYSIS

As set forth above, Charlet discloses a mapping module or component that "maps data between" (¶ [0052]) an XML document into a hierarchical database 204 (Charlet, Figs. 2 and 3; FF). The Specification does not provide an explicit definition of the term "construct" but provides one example of a "construct" as being "structured data" (Spec. 8). Appellants also fail to indicate an explicit definition of the term "domain" in the Specification. Using a plain and customary definition of the term "domain" to include any location, area, or space, we agree with the Examiner that Charlet discloses mapping one "structured data" (i.e., an XML document) in one area or location (i.e., "domain") to a second structured data (i.e., a hierarchical database) in another area or location (i.e., another domain).

Appellants argue that "Charlet . . . merely discloses the transfer of raw data from an XML document . . . to a hierarchical database" (App. Br. 7) but fails to indicate how Charlet's disclosure of mapping (via a mapping module) data in the XML document (which constitutes "structured data") into the hierarchical database (a second "structured data" or "construct") differs from the claimed feature (as recited in claim 1) of mapping "structured data" from one domain to a structured data of another domain. Nor do we independently identify any differences. Therefore, we disagree with Appellants' contention that "Charlet . . . does not disclose a system of transforming a construct from one domain or space to a construct in another domain or space" (App. Br. 7).

Claims 13, 18, 30, and 31 recite similar features as claim 1. Appellants also do not provide additional arguments with regard to the Examiner's rejection of claims 7-11, 17, 20-25, 27, or 28 under 35 U.S.C. §103(a) as being unpatentable over Charlet and one of Dorsett, Russell, or Meltzer.

For at least the above mentioned reasons, we find no error in the Examiner's rejections of claims 1-28, 30, and 31,

CONCLUSION OF LAW

Based on the findings of facts and analysis above, we conclude that the Examiner did not err in finding that Charlet discloses mapping a first construct of a domain to a second construct of another domain.

DECISION

We affirm the Examiner's decisions rejecting 1-6, 12-16, 18, 19, 26, 30, and 31 under 35 U.S.C. § 102(e) and claims 7-11, 17, 20-25, 27, and 28 under 35 U.S.C. § 103(a).

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED

rvb

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